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RHEHNSC/WHITE HOUSE NATIONAL SECURITY COUNCIL WASHINGTON DC

C O N F I D E N T I A L SECTION 01 OF 02 CAIRO 000235

SIPDIS

E.O. 12958: DECL: 2035/02/23  
TAGS: [PGOV](#) [PHUM](#) [PTER](#) [KIRF](#) [EG](#)  
SUBJECT: A/S POSNER PRESSES GOE OFFICIALS ON THE EMERGENCY LAW

REF: 10 CAIRO 64; 10 CAIRO 47; 09 CAIRO 1925

CLASSIFIED BY: Margaret Scobey, Ambassador; REASON: 1.4(B), (D)

11. KEY POINTS

-- (U) In January 12-14 meetings, A/S Posner stressed that U.S. human rights policy is based on principled engagement, universal standards and a recognition that reform will come from internal actors. In all instances, he cited President Obama's announcement on his second day in office to close Guantanamo.

-- (C) According to Interior Ministry State Security Director Rahman, the GOE uses the Emergency Law only in counterterrorism and drug cases. He said Egypt faces a serious terrorism threat, and uses the Emergency Law to detain suspects without charge for prolonged periods.

-- (C) Justice Minister Marie asserted that prolonged detention under the Emergency Law facilitates GOE investigations of terror networks and funding.

-- (C) Parliamentary Affairs Minister Shehab noted that a draft counterterrorism law is under review, but disagreements continue between the Interior Ministry and other agencies over the length of pre-trial detention.

12. (C) A/S Posner told his interlocutors that three pillars guide the Obama Administration's human rights policy: principled engagement with foreign countries in a spirit of friendship; universal standards for all countries, including the United States, based on the Universal Declaration of Human Rights; and the recognition that reform will come from internal, not external, actors. A/S Posner noted that strong governments conduct an open dialogue with a variety of stakeholders, and partner with robust civil society organizations. A/S Posner queried GOE officials on the Emergency Law's uses and prolonged detention without charge. He urged the GOE to replace the State of Emergency with a law specifically focused on counterterrorism.

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Interior Ministry State Security Director General Rahman  
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13. (C) State Security Investigative Services Chief General Hassan Abdel Rahman said that Egypt suffers from an "acute terrorist threat," and the Emergency Law helps protect the country's "safety and security." He characterized the region as "unstable," and asserted that terrorism originating from Gaza directly threatens Egypt. According to Rahman, the Muslim Brotherhood is the "mother of all extremism and terrorism in Egypt and the world." "We consider Hamas to be the military wing of the international Muslim Brotherhood," he stated. Rahman noted that to balance security with human rights, the GOE is working to replace the State of Emergency with a counterterrorism law. He said the GOE uses the Emergency Law only in counterterrorism and drug cases, and the law's "only benefit" is that it allows the government to detain suspects without charge for long periods.

14. (C) A/S Posner asked why the GOE has detained blogger Hany Nazir under the Emergency Law without charge since October 2008. (Note: per ref B, Nazir, a Coptic Christian, was detained following blog posts deemed offensive to Islam and Christianity. End note.) General Rahman responded that Nazir's posts criticizing Islam were inflammatory, and in the context of Upper Egyptian sectarian tensions could have caused Muslims to attack him. Therefore, Rahman continued, the GOE detained Nazir "for his own security." Rahman claimed that the GOE detained Nazir under the Emergency Law to gather evidence to prosecute him for defaming religion.

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Justice Minister Marie  
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15. (C) Justice Minister Mahmoud Marie told A/S Posner the GOE uses the Emergency Law to combat terrorism, citing the February 2009 bombing at the Khan El-Khalili market in Cairo and other attacks on tourists in the 1990s. He said the Emergency Law allows detention while the GOE investigates terrorist organizations and funding. According to Marie, Egypt expects terror attacks "every day," and cannot use the same procedures relevant to crimes committed by "ordinary citizens." In response to A/S Posner's question regarding bloggers jailed under the Emergency Law, Marie contended that these cases have not stopped other bloggers from expressing themselves, but acknowledged his lack of familiarity with the details.

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Minister for Parliamentary Affairs Shehab  
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16. (C) Minister of State for Parliamentary and Legal Affairs Mufeed Shehab described the State of Emergency as a "weak point" in Egypt's reform process, and "a problem" for U.S.-Egyptian bilateral relations, Egypt's image abroad and the February 17 UN Human Rights Council's Universal Periodic Review of Egypt. He said that disagreements persist between the Interior Ministry and other ministries over the MOI's interest in a longer pre-trial detention period in the draft counterterrorism law that would replace the State of Emergency. Shehab believed detainees in custody under the Emergency Law should either be released or tried in regular courts, but mentioned MOI concerns about releasing a large number of Islamist detainees at once. Shehab noted he is "pressing" the inter-agency committee to approve the draft law by February.

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MFA Deputy Assistant Minister for Human Rights  
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¶7. (C) Deputy Assistant Minister for Human Rights Wael Aboulmagd stressed President Mubarak's commitment to lifting the State of Emergency and enacting a counterterrorism law in its place. Aboulmagd noted interagency disagreements over the length of pre-trial detention in the draft counterterrorism law. He said that detainees under the Emergency Law can receive lawyers and other visitors, and can appeal their detention. (Note: In detention cases under both the Emergency Law and the penal code, such as the detained bloggers per ref B, the government has prevented lawyers from visiting their clients. End note.)

¶8. (U) A/S Posner cleared this message.  
SCOBAY